

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSEPH MICHELE DERIUS PEASLEY,

Defendant.

CR 12-46-M-DLC

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on April 4, 2013. Neither party objected and therefore they are not entitled to de novo review of the record. 28 U.S.C. § 636(b)(1); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Lynch recommended this Court accept Joseph Michele Darius Peasley's guilty plea after Peasley appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered his plea of guilty to the charge of being a felon in possession of a firearm and ammunition in violation of 18 U.S.C. § 922(g)(1), as set forth in the Indictment. Defendant agrees to forfeit the firearm and ammunition listed in the Indictment.

I find no clear error in Judge Lynch's Findings and Recommendation (doc. 23), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Joseph Michele Darius Peasley's motion to change plea (doc. 15) is GRANTED.

DATED this 30<sup>th</sup> day of April, 2013.



---

Dana L. Christensen, Chief District Judge  
United States District Court